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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,697	10/09/2000	Jeffrey J. Clawson	4289 P	3948
7590 10/04/2005			EXAMINER	
Lloyd W. Sadler Snell & Wilmer 15 West South Temple Suite 1200 Salt Lake City, UT 84101			KNOWLIN, THUAN P	
			ART UNIT	PAPER NUMBER
			2642	
DATE MAILED: 10/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/685,697

Applicant(s)

CLAWSON, JEFFREY J.

Examiner

Thjuan P. Knowlin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on July 05, 2005 has been entered. Claim 1 has been amended. No claims have been cancelled. No claims have been added. Claims 1-8 are still pending in this application, with claim 1 being independent.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 4,237,344).

3. In regards to claim 1, the system of Moore is "capable of rapidly receiving a request for health care from a patient on the basis of voice, telephone, visual, or emergency signaling" (See Moore col. 2 lines 27-30). Examiner finds that this capability reads on "receiving a medial call on a telephone communication device regarding a patient needing medical assistance". A telephone call initiated by the patient has the purpose of indicating his or her needs to the health coordinator, who receives this indication (i.e. description) (See Moore col. 9 lines 15). The health care provider (i.e. dispatcher) "upon receipt of the patient's signal (i.e. the description)... can accurately

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and precisely make an informed decision on the degree (i.e. critically value) of medical response required" (See Moore col. 3 lines 59-66). Moreover, the health car provider communicates (i.e. dispatcher) his/her decision on the degree (i.e. critically value) of medical response to the desired personnel (i.e. agents of the medical response (See Moore col. 3 lines 59-66). After the medical staff has arrived at the patient location, they may "if necessary (i.e. based on said critically value), effect further communication (i.e. post dispatch instructions) with the health care coordinator through the telephone...in the patient's (i.e. caller) room (See Moore col. 10 lines 6-17). The Examiner finds that further communication with the health care coordinator (i.e. dispatcher) in the patient's (i.e. caller) room reads on "post dispatch instruction to a caller". Furthermore, the determinations set forth in claim 1, such as determining if the caller is the patient and determining if said chief complaint concern hemorrhaging fall within the scope of standard medical diagnostic procedures and therefore, would have been obvious to one of ordinary skill in the art at the time the invention was made. Moreover, said patient having a chief complaint is a common circumstance and therefore, would have been equally obvious. In regards to the limitations wherein said determinations are made using a systematic pre-scripted interrogation of callers, thereby eliminating variability due to the different skills of the individual dispatchers and said critically value is determined based on responses to preprogrammed inquires, the Examiner takes Official Notice that the limitation reads on well known procedures of pre-screening, through means of a questionnaire, in a triage area. It is well known that standard

questions, such as chest pain, hemorrhage, or concussions, are done in a methodological manner before determining which kind of help the patient will need.

4. In regards to claim 2, 3, and 7, the system disclosed by Moore “manages the exit process of an emergency medical dispatch system” as show above. However, Moore does not teach post dispatch instructions specifically regarding a “hemorrhaging patient”, a “patient suffering amputation”, or a “patient suffering from burns”.

Nevertheless, it would have been obvious to anticipate the need for post dispatch instructions addressing these situations, since they comprise common medical conditions.

5. In regards to claims 4, 5, 6, and 8, the system disclosed by Moore “manages the exit process of an emergency medical dispatch system” as shown above. However, Moore does not teach post dispatch instructions specifically regarding a “hazardous material solution”, a “violent patient situation”, the “presence of an assailant or dangerous animal”, or “a present danger situation”, all of which comprise environmental situations. Nevertheless, it would have been obvious to anticipate the need for post dispatch instructions addressing these situations, since the health care provided by Moore’s system “can be extended somewhat to environmental care” (See Moore col. 4 lines 29-37) and these situations are common forms of environmental emergencies.

### ***Response to Arguments***

6. Applicant's arguments filed 07/05/05 have been fully considered but they are not persuasive. Applicant argues that the present invention employs a preprogrammed

systematic process for making the determinations of chief complaint and of the critically value rather than the informed decision process of the Moore reference. However, regardless whether or not the decision process is preprogrammed or informed, the emergency medical dispatch or health care coordinator obtains information from the patient/caller. It does not matter how this information is obtained, or in what order/manner it is obtained. Applicant further argues that Moore does not teach that the post dispatch instructions are provided to the caller prior to the arrival of the responders. Examiner respectfully disagrees with this argument. Moore does teach that the post dispatch instructions are provided to the caller prior to the arrival of the responders (See Moore col. 3 lines 49-66). For example, if the patient/caller is calling in with a deep cut or wound, the emergency medical dispatch or health care coordinator could inform him or her to apply pressure to the area until help arrives.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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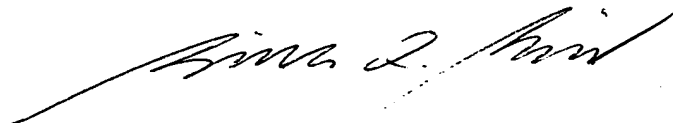
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin



**BING Q. BUI**  
**PRIMARY EXAMINER**